

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 19 and 23 and added new claim 27. The Applicant respectfully submits no new matter has been added. Accordingly, claims 19, 21-23 and 25-27 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Response to Examiner's remarks

The Applicant appreciates the Examiner's thorough and studied response to the Applicant's previous arguments.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 19 and 23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Choe, et al. (Choe hereafter) (US 2004/0114732 A1). The Applicant respectfully traverses the rejection of these claims.

The Applicant's present invention allows the provision of multimedia data related to a terminal of a called (or calling party), wherein one or both of the terminals may be incapable of actually providing the multimedia data. A core network node receives a call set up message from a calling party providing an identification of a called party. A demand for multimedia information is included in subscriber data that is retrieved by the core network node. The demand is executed and multimedia information associated with the called party (or calling party) is then sent to the calling party terminal (various Summary paragraphs, e.g., para. [0016]). The subscriber data of either or both a calling party and called party, includes the demand for a multimedia response. As disclosed in the present invention, the "demand" limitation is part of the subscriber data (para. [0016]). The core network node reads the subscriber data and reacts to the demand by providing an address of the multimedia data associated with that called party that can be retrieved by terminals.(para. [0022]) (also applies to a calling party)

The Choe reference discloses an apparatus and method for editing a ring back tone – Editable Personalized Ring Back Tone service (Ringback tones are normally supplied by the called party to the calling party, and Choe does not teach away from that understanding). Choe teaches the providing of a means for a subscriber to personalize a ringback tone for playback to a caller. In operation, the Choe reference discloses that if a called party is a subscriber, "...the PRBT system accesses an Internet Data Center to retrieve the message settings based on the called party/subscriber's account information ..." (para [0029]). The PRBT system of the Choe reference determines whether the calling party is a service subscriber. If the called party is a subscriber, the system provides a ringback message, edited by the called party, to the calling party (para [0028]).

The Applicant respectfully submits that the Choe reference discloses ringback tone, and modification of tones, only. As the Applicant's independent claims recite "A method for providing multimedia information associated with a calling party terminal to a called party terminal or for providing multimedia information associated with the called party terminal to the calling party terminal,...". The limitations of the claim applies to either a calling party or a called party. The Choe reference discloses the functions that are performed by a called party – actually subscriber – to modify a ringback tone available to the subscriber (called party because the tone is a ringback tone). In the Applicant's invention, the calling party can actually provide a tone to the called party. This is not disclosed in Choe.

MPEP § 2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claims.

The Applicant respectfully submits that the rejection does not meet the above requirements for at least the reason of the independent claims being currently

amended. Regarding amended claims 19 and 23, the Applicant respectfully submits that the Choe reference does not disclose stored, subscriber data with a trigger (data includes a demand) for presenting multimedia information by one terminal to another terminal. And, Choe does not disclose sending an address for either party to retrieve multimedia information for playback. So, the Applicant respectfully submits that the rejection is unsupported by the art. Claims 19 and 23 are analogous independent claims and contain similar limitations. The Applicant respectfully requests the allowance of these claims.

Claim Rejections – 35 U.S.C. § 103 (a)

Claim 21, 22 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Choe in view of Nguyen et al. (US 2004/0120477 A1). The Applicant respectfully traverses the rejection of the rejection of these claims.

Nguyen discloses a system and method of providing a message to a terminating point of a call. Nguyen does not disclose recognizing a demand from the subscriber data or providing the multimedia information to the calling party in response to the demand; both limitations missing from the Choe reference.


Claims 21, 22 and 26 all depend from independent claims 19 and 23 and recite further limitations in combination with the novel elements of these claims. Therefore, the allowance of claims 21, 22 and 26 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



By Sidney L. Weatherford
Registration No. 45,602

Date: April 3, 2009

Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-8656
sidney.weatherford@ericsson.com